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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Def 1) Miguel CEDENO-Martinez,** **Def 2) Jonathan ASTORGA-Madrigal** Defendant(s)	Magistrate Case No. '07 MJ 2658 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **November 13, 2007,** within the Southern District of California, defendants **Miguel CEDENO-Martinez and Jonathan ASTORGA-Madrigal** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Antonio GARCIA-Jimenez, Jose Salvador ESPARZA-Casteneda,** and **Angelica VALDEZ-Legaria** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF **NOVEMBER, 2007**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Def 1) Miguel CEDENO-Martinez
Def 2) Jonathan ASTORGA-Madrigal

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Juan Antonio GARCIA-Jimenez, Jose Salvador ESPARZA-Casteneda,** and **Angelica VALDEZ-Legaria** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On November 13, 2007 Border Patrol Agent M. Barragan was observing traffic acitivity at the port of entry at San Ysidro, California. At approximately 3:10 AM Agent Baragan observed several people running northbound from Mexico up the southbound lanes of Interstate 5. Alien smuggling organizations have used this method of smuggling aliens into the United States. This is a common occurrence for aliens attempting to make an illegal entry into the United States. Because of the high volume of vehicle traffic proceeding into Mexico during this hour and the speeds at which the motoring public travel on it, this is a high risk area for accidents occurring against aliens. Many illegal aliens have been struck in this area in the recent past. Agent Barragan reported his observations over the radio.

Agent F. Herrera responded to the call in his service vehicle and when he arrived on scene he observed several people running from the location given by Agent Barragan and subsequently get into a blue 1988 Chevrolet Astro Minivan. Agent Herrera activated the emergency equipment on his vehicle and pulled in behind the minivan to perform a vehicle stop to inspect the occupants of the vehicle. The vehicle yielded and immediately people exited the van and attempted to flee the scene.

Agent Herrera detained the driver who was still sitting behind the steering wheel of the idling vehicle and a female passenger. Border Patrol Agents who were riding with Agent Herrera at the time; Agents C. Moore, A. Zamora, A. Kim, S. Morgan, and J. Ramos, gave chase on foot after the fleeing group of people and apprehended 8 while one other individual ran into Mexico. The agents identified themselves as Border Patrol Agents and queried the group of people as to their immigration status. The driver, identified as defendant **Miguel CEDENO-Martinez** and passenger admitted to being citizens of Mexico lawfully admitted into the United States with B1B2 visas. The others in the group, including defendant **Jonathan ASTORGA-Madrigal** admitted to being Mexican citizens illegally present in the United States. All were taken into custody on suspicion of alien smuggling and transported to Imperial Beach Border Patrol Station for processing.

Routine record checks revealed that one of the individuals in the group who fled, defendant **Jonathan ASTORGA-Madrigal,** was identified as a foot guide for the "Linea Trece' alien smuggling organization. This organization is notorious for visiting violence on Border Patrol Agents and will use any tactic for smuggling aliens without any regards for human life, including running aliens into the U.S. through the south bound lanes of Interstate 5.

CONTINUATION OF COMPLAINT:
Def 1) Miguel CEDENO-Martinez
Def 2) Jonathan ASTORGA-Madrigal

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DEFENDANTS' STATEMENTS:

The driver, defendant **Miguel CEDENO-Martinez** was advised of his rights as per the Miranda Warning. The defendant admits that he understood his rights and agreed to be interviewed without representation. The defendant admits to being a citizen and national of Mexico. He was lawfully admitted into the United States with a B1B2 visa on November 12, 2007. **CEDENO** admits that he grew up in the San Diego border area and is familiar with the dynamics of illegal immigration. **CEDENO** admits that the only reason he came into the United States was to pick up illegal aliens and provide transportation for them. When he reached the parking lot he called on his cell phone and made arrangements to pick up two illegal aliens and transport

them to San Diego. He was going to charge $150.00 for the ride. **CEDENO** wasn't expecting 8 people to show up at his van but regardless he would have given them all a ride for the right money.

The foot guide, defendant **Jonathan ASTORGA-Madrigal**, was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. **ASTORGA** admits that he is a citizen and national of the Mexico and that he is present in the United States illegally. ASTORGA states that he has been previously deported to Mexico and had not received permission from the United States Attorney General for permission to re-enter the United States.

Defendant **ASTORGA** states that on today's date he was working for an individual named "Julio". **ASTORGA** stated that he was in need of money since he has an infection in his genital parts he needed medical attention. **ASTORGA** needed money so he sought out Julio to see if had any aliens that needed to be smuggled. "Julio" is a member of the Linea Trece alien smuggling organization. **ASTORGA** stated that although he was apprehended with 8 he was only in charge of smuggling one individual. **ASTORGA** stated that he was going to be paid $200.00 USD to smuggle an undocumented alien into the United States.

MATERIAL WITNESS STATEMENTS:

Material witnesses Juan Antonio GARCIA-Jimenez, Jose Salvador ESPARZA-Castaneda, and Angelica VALDEZ-Legaria admit to being citizens and nationals of Mexico illegally present in the United States. All admitted to following in summary; They made arrangements to be smuggled into the United States for $2500.00 USD. They were introduced to their foot guide who gave them instructions to follow him and run quickly. They ran north up the freeway into the United States from Mexico. They then followed the footguide westward towards some stores. When they reached the stores they followed the footguide to a blue Chevy Astro van that was waiting at the curb. Material witness ESPARZA was following the foot guide into the van just before the Border Patrol arrived and arrested them. The material witnesses identify the defendants as the driver and footguide through a photographic lineup.